

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WALTER LEE ANDERSON, et al.,

Plaintiffs,

-against-

MICHAEL SPOSATO, individually and
in his official capacity as Nassau County
Sheriff, et al.,

Defendants.

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FEUERSTEIN, District Judge

ORDER

11-CV-5663 (SJF)(WDW)

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ MAY 29 2013 ★

LONG ISLAND OFFICE

By Order dated April 24, 2013, the following plaintiffs in this consolidated action were each ordered to serve and file an affidavit on or before May 10, 2013 providing the Court with a new address and telephone number at which he can be contacted after mail sent to those plaintiffs was returned to the Court as undeliverable: Charles Raymond McClendon, Andre Rhodes, Otoniel Castillo Recinos, Richard Jones, James Erickson and Vidal Espinal¹. None of those plaintiffs have complied with that order.

Although each of the above orders advised the respective plaintiffs that his failure to comply therewith would result in his claims being dismissed in their entirety with prejudice pursuant to Rules 37(b)(2)(a)(v) and 41(b) of the Federal Rules of Civil Procedure, none of the above-referenced plaintiffs has complied with the orders of the Court, moved for an extension of time to comply with the orders or taken any other steps to prosecute his claims. Accordingly, the claims of the following plaintiffs are dismissed in their entirety with prejudice: Charles Raymond McClendon, Andre Rhodes, Otoniel Castillo Recinos, Richard Jones, James Erickson and Vidal Espinal.

¹ The April 24, 2013 order also directed Jarrot Jones ("J. Jones"), Edwin Morejon ("Morejon") and John Jiminez ("Jiminez") to serve and file an affidavit on or before May 10, 2013, but Morejon and Jiminez complied with that order by notifying the Court of their changes of address on April 26 and May 6, 2013, respectively. Although J. Jones did not timely comply with that order, he notified the Court of his change of address on May 20, 2013. Accordingly, I *sua sponte* grant J. Jones an extension of time to comply with the April 24, 2013 order *nunc pro tunc*.

Pursuant to Rule 77(d)(1) of the Federal Rules of Civil Procedure, the Clerk of the Court is directed to serve notice of entry of this order upon all parties to the consolidated action in accordance with Rule 5(b) of the Federal Rules of Civil Procedure, including mailing a copy of this order to each plaintiff's address of record pursuant to Rule 5(b)(C) and leaving a copy of this order with the Clerk of the Court pursuant to Rule 5(b)(2)(D).

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: May 29, 2013
Central Islip, New York